

Response Under 37 CFR 1.116

Expedited Procedure

Examining Group 3735

Application No. 10/829,594

Paper Dated: February 19, 2010

In Reply to USPTO Correspondence of November 19, 2009

Attorney Docket No. 3744-043984

REMARKS

The Office Action of November 19, 2009 has been reviewed and the Examiner's comments carefully considered. Claims 1, 9, 12 and 13 are amended by the present Amendment. Claim 8 has been cancelled. Accordingly, claims 1, 3, 5, 7, 9, 11-13, and 15-21 are currently pending in this application, and claims 1, 9 and 13 are in independent form. All of the amended claims and the added claim are fully supported by at least the contents of claim 8 as originally filed, and do not contain any new matter. Additionally, Applicant respectfully requests the entrance of the claim amendments as the claim amendments were made to comply with the Examiner's suggestions and, thereby, place the application in condition for allowance.

35 U.S.C. §101 Rejections

Claims 9, 11-13 and 15-17 are rejected under 35 U.S.C. §101 because the claimed invention recites a positive relationship to the human body. Claims 9, 12 and 13 are currently amended to remove language reciting a positive relationship to the human body. Accordingly, claims 9 and 13 are their corresponding dependent claims 12 and 15-17 and are believed to comply with 35 U.S.C. §101. Withdrawal of the rejections and reconsideration of claims 9, 11-13 and 15-17 are respectfully requested.

35 U.S.C. §112, Second Paragraph, Rejections

Claims 1, 3, 5, 7, 8 and 18-21 stand rejected under 35 U.S.C. §112, second paragraph, for asserted indefiniteness because it was unclear in independent claim 1 which structure is supporting the vagina and which structure is independently removable from the reconstructed vagina. Independent claim 1 is amended herewith to indicate that the porous minor part supports the reconstructed vagina and that both of the porous main body and porous minor part are independently removable. Claims 3, 5, 7, and 18-21 depend directly or indirectly from independent claim 1. As such, reconsideration and withdrawal of these claim rejections are respectfully requested.

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35 U.S.C. §102(b) Rejections

Claims 1, 3, 5, 7-19 and 21 stand rejected under 35 U.S.C. §102(b) for asserted anticipation by U.S. Patent No. 5,013,297 to Cattanach (hereinafter, "Cattanach"). In view of the aforementioned amendments and the following remarks, the Applicant respectfully disagrees with these rejections.

Claim 1 is directed to a vaginal mold detachable in a reconstructed vagina. The vaginal mold comprises a porous main body having a hollow columnar structure and a first jointing structure, wherein the porous main body supports said reconstructed vagina; a porous minor part being a front end of said vaginal mold and having a second jointing structure connected to said first jointing structure, wherein the porous minor part supports said reconstructed vagina, and is detachable from said porous main body inside of said reconstructed vagina, and both of the porous main body and the porous minor part are independently removable from said reconstructed vagina; and a support holding said porous minor part when said porous main body is detached from said porous minor part and removed from said reconstructed vagina.

The Examiner alleges that Cattanach discloses an apparatus being similar to the present vaginal mold, since Cattanach's apparatus also comprises a main body having a hollow columnar structure **2**, a minor part **3** and a jointing structure between the main body **2** and the minor part **3**.

Claim 8 has been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. [Office Action, page 6.] Independent claims 1, 9 and 13 have been amended to incorporate the limitations of allowable claim 8. Accordingly, amended independent claims 1, 9 and 13 are now believed to be allowable.

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Claims 3, 5, 7, 11-12, 15-17, 18 and 21 depend respectively from, and add further limitations to claims 1, 9 or 13. As such, reconsideration and withdrawal of the 35 U.S.C. §102(b) rejections to presently amended independent claims 1, 9 and 13 and their dependent claims 3, 5, 7, 11-12, 15-17, 18 and 21 are also respectfully requested.

35 U.S.C. §103(a) Rejection

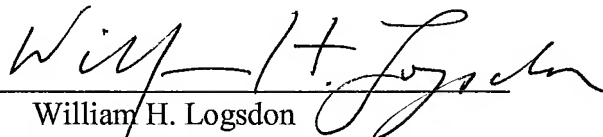
Claim 20 stands rejected under 35 U.S.C. §103(a) for asserted obviousness over Cattanaach in view of U.S. Patent No. 7,276,056 to Abbott et al. (hereinafter, "Abbott") and further in view of U.S. Patent Application Publication No. 2003/0144639 to Gehling (hereinafter, "Gehling"). Claim 20 depends from, and adds further limitations to claim 1. As previously indicated, claim 1 has been amended to incorporate the limitations of allowable claim 8. Thus, reconsideration and withdrawal of the obviousness rejection of claim 20 are respectfully requested.

Conclusion

Based on at least the foregoing reasons, the presently claimed invention has distinguishable features not shown, taught, or suggested in the cited art. Therefore, Applicant submits that all of pending claims 1, 3, 5, 7, 9, 11-13, and 15-21 are now in condition for allowance. An early action to this effect is respectfully solicited.

Respectfully submitted,

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